IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEROY RILEY, Plaintiff,	)	
v.	)	C.A. No. 05-172 Erie
CHARLES M. SIMPSON, et al, Defendants.	)	

ORDER

AND NOW, this 18th day of May, 2006;

Defendants having filed a Motion to Dismiss (Doc. #22) and brief in support thereof;

IT IS HEREBY ORDERED that plaintiff shall be allowed until June 2, 2006, to respond to the motion. Plaintiff may also amend the complaint to cure any procedural defects.

IT IS FURTHER ORDERED THAT plaintiff shall serve on counsel for defendants, Robert A. Willig, Esq., a copy of each pleading or other document submitted for consideration by the court and shall include with each document filed a certificate stating the date a true and correct copy of the pleading or document was mailed to each attorney. Any pleading or other document received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service shall be returned to the plaintiff by the Clerk.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge

cc: all parties of record (lw)